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Paper No.

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MAY 17 2004

OFFICE OF PETITIONS

In re Application of
Kara Webster, Roger Seiver and
John Hawkins
Application No. 10/667,143
Filed: September 19, 2003
Attorney Docket No. 2737.DHE.NP
Title: Trailer Hitch Guide

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: DECISION REFUSING STATUS
: UNDER 37 C.F.R. § 1.47(a)
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This is a decision on the "PETITION TO ACCEPT DECLARATION WITH MISSING INVENTOR," filed February 17, 2004 (Certificate of Mailing February 12, 2004).

The petition is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

The above-identified application was filed on September 19, 2003, without an executed oath or declaration (and missing the statutory basic filing fee). Accordingly, on December 12, 2003, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring submission of an executed oath or declaration and payment of the surcharge for late filing under § 1.16(e) (and payment of the statutory basic filing fee). This Notice set a two month period for reply, with extensions of time obtainable under § 1.136(a).

In response, rule 47 applicants timely filed the instant petition, along with payment of the petition fee, and late surcharge (and the basic filing fee for a small entity). On petition, applicants assert that status under § 1.47(a) is proper because inventor Hawkins has failed to return the signature documents for the application, despite repeated requests from Applicants' counsel.

Petitioner has shown that after being presented with the application papers through his attorney, inventor Hawkins has, by his conduct in not responding, refused to join the application. The petition includes the petition fee and a statement of the last known address of inventor Hawkins.

(A) All the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP \$602, \$605.01, and \$1414) and (2) make oath or declaration on behalf of the non-signing joint inventor as required by 37 CFR 1.64. An oath or declaration signed by all the available joint inventors with the signature block of the non-signing inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the non-signing inventor(s), unless otherwise indicated.

The declaration received on petition does not identify John Hawkins as a joint inventor. Thus, it cannot be considered signed by the available joint inventors on behalf of themselves and on behalf of the nonsigning joint inventor.

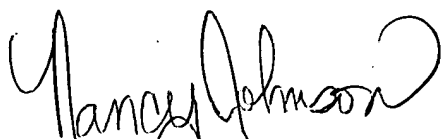
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (703) 872-9306
ATTN: NANCY JOHNSON
SENIOR PETITIONS ATTORNEY

By hand: CUSTOMER SERVICE WINDOW
2011 South Clark Place
Crystal Plaza Two Lobby
Arlington, VA 22202

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0309.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with the first name "Nancy" being more prominent than the last name "Johnson".

Nancy Johnson
Senior Petitions Attorney
Office of Petitions